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November 26, 2018

Jahna Lindemuth
Attorney General
Department of Law
1031 W. 4th Ave., Suite 200
Anchorage, AK 99501-2064

cc: Governor-Elect Dunleavy

Via email only to:

Team2018@alaska.gov;
Jahna.Lindemuth@alaska.gov
Richard.Allen@alaska.gov

Re: Statement of interest in continued employment as a Senior Assistant District Attorney

Dear Attorney General Lindemuth:

This letter is submitted in response to your November 17, 2018 email. A statement complying with your email request is attached as an appendix to this letter.

Notwithstanding that statement, I intently desire to continue my employment with the Department of Law. Prosecution has been my life's work.

My professional career began in 1989 when I arrived at Fort Richardson as a U.S. Army JAG Lieutenant. When I left active duty in 1992, I was hired by then-Attorney General Charlie Cole. With the exception of a 12-month period of private practice roughly 15 years ago, I have served as a state prosecutor since January 1993. An updated resume appears as an attachment to this letter.

In terms of jury verdicts taken, I am recognized as the state's most experienced homicide trial attorney. I have more than 20 homicide verdicts (including four double-homicide trials) behind me. I am currently assigned to **seven** murder cases pending trial – including one double homicide and one case venued in Barrow-Utqiagvik. I have spent more than 25 years on the Anchorage Police Department's homicide response team call-out list. I have participated in dozens of breaking investigations alongside



the police department's homicide detectives. I routinely participate as an investigative team member in real-time homicide investigations.

Most recently, in late July 2018, APD responded to two unrelated Mountain View homicides – which occurred within two hours of each other. I participated in both investigations and remained at the APD detective's squad room for almost 24 straight hours. I eventually presented both cases to the Anchorage grand jury. I am now assigned to both trials.

My homicide trial practice has been statewide. My last murder trial was in Barrow-Utqiagvik (*SOA v. Fischer*; October 2017 trial). The one before that was in Dutch Harbor, and the one before that was in Juneau (both 2014). I am very proud of my record as a complex-case litigator. Among my homicide verdicts are four double-homicide trials.¹ I am unaware of any other Alaskan prosecutor who has tried four double-homicides. In addition to those four cases, I have tried homicides of unusual complexity, including prosecution of a recidivist-murderer, a sex-murderer, a torture-murderer, and two informant-murderers. I prosecuted a complex, month-long cold-case homicide in Juneau in 2014. I am one of the few Alaskan prosecutors who have taken jury verdicts in all four Alaskan judicial districts.²

As you are aware, in October 2017, I tried the *Fischer-Sullivan* murder case in Barrow – a case involving the murder of the resident Barrow prosecutor. The trial spanned four weeks, triggered voir dire of over 120 *veniremen*, and involved numerous traveling witnesses. In the midst of the trial, another tragic Barrow homicide occurred – the stabbing death of a young man at the hands of a mentally ill family member. (*Ahkivgak*) At my initiative, I participated in the breaking investigation while it was happening. I convened a weekend detective's planning meeting at the North Slope Borough Police Department. I organized and conducted the *Ahkivgak* grand jury **while the Fischer trial jury was deliberating**. If another Alaskan prosecutor has grand juried a breaking homicide at the same time as a petit jury deliberated in another homicide, I am unaware of it. I was honored that my work in the *Fischer* case was recognized at the October 2018 statewide District Attorney's Conference as the 2017-18 *Notable Trial of the Year*.

¹ *SOA v. Hall*, 3AN-93-8318 CR (September 1995 trial, Judge Rowland); *SOA v. Edwards*, 3AN-S99-1269 CR (August 2002 trial, Judge Andrews); *SOA v. Sanders*, 3AN-07-16 CR (August 2010 trial, Judge Spaan; currently pending re-trial); *SOA v. Pico/Pfister*, 3AN-11-12507/08 CR (July 2013 trial, Judge Spaan). The 1995 *Hall* trial was a juvenile waiver case stemming from a high-profile 1993 double-murder. I was assigned to that prosecution ten weeks after I was hired in 1993.

² I have tried cases to jury verdict in Anchorage, Ketchikan, Juneau, Dutch Harbor-Unalaska, Barrow, Fairbanks, Kenai, Palmer and Sand Point. I have handled non-jury hearings in many other venues, including Kodiak, Bethel, Dillingham, Nome and Kotzebue.

In addition to my homicide cases, I am currently assigned to internal training and complex post-conviction matters. I recently secured summary judgment in the state's favor in *Marino v. SOA*; 3AN-09-6684 CI t/w 3AN-S93-8063 CR. This was an *Alaska Innocence Project*-involved post-conviction DNA case involving retesting of artifacts from a brutal 1993 Mountain View drug-related knife-murder of a woman and the attempted murder of a seven-year old girl – whose neck Marino brutally slashed from ear to ear and who survived by playing dead. The post-conviction case had a nine-year procedural history. Just last month, I secured summary judgment in the prosecution's favor. The order averted a planned, two-week long evidentiary hearing – and foreclosed disruption of a nearly 25-year old judgment.

I am our division's most prolific internal trainer. In the past months, I have taught **seven** in-house training classes to ADAs statewide. (*Grand jury practice*, May 2017; *Commonly-encountered practical evidence topics*, November 2017; *State criminal discovery practice*, January 2018; *Prosecution closing argument error*; February 2018; *Competency fundamentals*, June 2018; *Self-defense trial techniques and evidentiary topics*, September 2018; *Confrontation of an opposing expert*, October 2018).³

My Anchorage DAO classes have typically drawn about 20 Anchorage attorney-attendees and an equal number of statewide telephonic attorney-attendees. At my initiative, I sought and obtained Alaska Bar Association CLE credit for each class. For each class, I prepared original, authoritative class outlines and case law summaries to serve as useful references for line prosecutors. For example, for the May 2017 grand jury class, I prepared an authoritative and original 80-page grand jury case law summary and procedural guide.

I am an accomplished appellate attorney. Since September 2016, I have appeared as counsel of record in seven cases decided by formal opinion of the Court of Appeals. I have also participated in several appeals resulting in unpublished orders. At this writing, I have two cases pending decision before the court of appeals.⁴ Many of my cases are *state's appeals* – meaning that I initiated the appellate litigation. I am exclusively responsible for my appellate briefing. My briefs are drafted and filed with minimal review by the Office of Criminal Appeals staff attorneys. In fact, OCR review sometimes works the other way. I am occasionally asked to review OCR briefs in cases within my areas of professional experience.

³ I am currently scheduled to conduct a training class at the Anchorage Municipal Prosecutor's Office in mid-December 2018.

⁴ A list of my recent and pending appellate cases is appended to this letter.

I am regarded as a reliable and authoritative resource to other office chiefs. I field daily emails and telephone requests for assistance on technical practice points from line attorneys and supervisory attorneys alike. As I drafted this letter this weekend, I responded for requests for assistance from prosecutors in Ketchikan and Bethel. A day does not pass without a prosecutor somewhere in the state seeking my assistance on technical subjects.

Conclusion

It is difficult to close this letter. The subject matter is my entire 30-year career in law enforcement. I am proud of my work. I am not ready to close my career as a homicide prosecutor.

I respectfully submit that it is not in our Department's interest to close that career, either. The Anchorage District Attorney's Office has more than 50 homicide cases post-arrest and pre-trial. This office has too many new attorneys facing too many challenges with too-thin mentorship. (I am the senior trial attorney in my office – by a factor of two). I learned my craft at the feet of skilled prosecutors like Mary Anne Henry and Steve Branchflower. If Mary Anne Henry were alive today, she would encourage me to continue to train, mentor and teach lessons I learned from her to the next generation of prosecutors.

It is my sincere hope that the incoming administration concludes that my skills, my experience and my technical expertise will continue to contribute to public safety and to our Division's mission. Should any reader seek the opportunity, I would eagerly welcome the opportunity to discuss my qualifications at their convenience.

Respectfully submitted,

Assistant District Attorney

Attachments: 12 pages
2018 evaluation
Updated resume